

In re) Fair Hearing No. 17,255
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Appeal of)

The petitioner appeals the decision by the Department of PATH denying her application for VHAP. The issue is whether the fact that she can purchase health insurance through the college she is attending renders her ineligible for VHAP.

1. The facts are not in dispute. The petitioner is twenty years old and attends college full-time in Massachusetts. She funds her tuition and expenses largely through student loans and work-study.

3. At the hearing in this matter, held on September 27, 2001, the petitioner's mother admitted that the petitioner's college makes a comprehensive health insurance policy available to its students. However, according to the petitioner's mother the policy costs \$1,000 a year, must be paid in full in advance, and cannot be financed through

student loans.

ORDER

The Department's decision is affirmed.

REASONS

The VHAP regulations include a provision that "students under the age of 23 enrolled in a program of an institution of higher education are not eligible for coverage if they have elected not to purchase health insurance covering both hospital and physician services offered by their educational institution. . ." W.A.M. § 4001.2. The petitioner agrees that she has elected not to purchase health insurance offered by her college and that the health insurance covers hospital and physician services. She argues, however, that she should not be excluded from VHAP because the health coverage offered by the school is prohibitively expensive for her.

Unfortunately, the regulation makes no reference at all to the cost of the college-sponsored program nor does it require that the coverage be equal to that of Medicaid or VHAP. The Board has routinely upheld the provision that college students with access to insurance through their schools are ineligible for VHAP, although in most cases the cost of that insurance appeared to be modest. See, e.g., Fair Hearing No. 15,820.

There is no provision in the VHAP or Medicaid regulations

disqualifying non-students who do not purchase alternative insurance coverage. However, like most other benefit programs, there is no provision in VHAP that can be construed as encouraging college attendance. To the contrary, other programs like Food Stamps place considerably more burdensome eligibility requirements on college students. Similarly, the VHAP regulations assume that college students as a group, compared to other low-income individuals, are less needy in terms of their access to health insurance.

Whether or not this is true for the petitioner in this particular case, there has been no showing that the Department's policy of disqualifying college students whose schools offer health coverage, regardless of cost or the student's claimed inability to pay, is patently discriminatory or otherwise contrary to federal Medicaid law. Therefore, the Department's decision must be affirmed. 3 V.S.A. § 3091(d) and Fair Hearing Rule No. 17.

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